

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 7.00 AIR POLLUTION CONTROL REGULATIONS

310 CMR 7.36 U TRANSIT SYSTEM IMPROVEMENTS

7.36: U Transit System Improvements

(1) Applicability. 310 CMR 7.36 shall apply to the Executive Office of Transportation and Construction, hereafter referred to as EOTC.

(2) Transit System Improvement Projects. EOTC shall plan and construct and render available for public use, transit system improvement projects including the following projects in accordance with the schedules set forth in this section:

(a) Before December 31, 1992 construction of the following facilities shall be completed and opened to full public use:

1. Lynn Central Square Station and Parking Garage
2. North Station high platforms and new tracks
3. Lynn Transit Station Bus Terminal

(b) Before December 31, 1994 construction of the following facilities shall be completed and opened to full public use:

1. South Station Bus Terminal
2. South Station Track #12
3. Ipswich Commuter Rail Line extension to Newburyport

(c) Before December 31, 1996 construction of the following facilities shall be complete and opened to full public use:

1. Old Colony Commuter Rail Line Extension
2. Framingham Commuter Rail line extension to Worcester
3. 10,000 Park and Ride and Commuter Rail Station parking spaces system-wide outside of the Boston core area as defined by a report to be submitted to

the Department by EOTC which identifies the location, size and market area of each facility constructed to satisfy this requirement. Said report will be submitted three months prior to the deadline for this project.

(d) Before December 31, 1997 construction of the following facility shall be completed and opened to full public use:

1. Green Line Arborway Restoration

(e) Before December 31, 1998 construction of the following facility shall be completed and shall be opened to full public use:

1. Blue line platform lengthening and modernization

(f) Before December 31, 1999 construction of the following facilities shall be completed and opened to full public use:

1. 10,000 Park and Ride and Commuter Rail Station Parking spaces system-wide outside of the Boston Core Area in addition to those spaces developed pursuant to 310 CMR 7.36(2)(c)3. as defined by a report to be submitted to the Department by EOTC which identifies the location, size and market area of each facility constructed to satisfy this requirement. Said report will be submitted three months prior to the deadline for this project.

(g) Before December 31, 2001 construction of the following facility shall be completed and opened to full public use:

1. South Boston Piers Electric Bus Service

(h) Before December 31, 2011 construction of the following facilities shall be completed and shall be opened to full public use:

1. Green Line extension to Ball Square/Tufts University
2. Blue Line connection from Bowdoin Station to the Red Line at Charles Station.

(3) Project Delays and Project Deadline Extensions.

(a) Should projects listed in 310 CMR 7.36(2) be delayed in their implementation, EOTC shall notify the Department of the delay at the earliest opportunity, but in no case later than 60 days prior to the deadlines established in 310 CMR 7.36(2), said notification to include:

1. Explanation of the reasons behind the delay;

2. Identification of measures being taken to reduce the delay; and
3. A proposed alternative deadline for completion of the project.

(b) Within 60 days of receiving a complete notification of project delays, the Department will confirm the new project schedule in writing to EOTC.

(c) A substitute project shall be investigated and proposed for project which is expected to be delayed more than three years beyond the deadline established in 310 CMR 7.36(2).

(4) Substitute Transit System Improvement Projects.

(a) EOTC may substitute other transit improvement projects in place of those listed in 310 CMR 7.36. To replace a project EOTC must demonstrate to the Department that a specific project listed in 310 CMR 7.36 is infeasible due to associated adverse engineering, environmental or economic impacts. An alternative project may be substituted in the following manner:

1. EOTC must petition the Department to accept a substitution project, said petition to include a demonstration that the alternative project achieves equal or greater emission reductions of nonmethane hydrocarbons (NMHC), carbon monoxide (CO) and nitrogen oxides (NOx) and would provide a greater improvement in air quality for CO and NOx in the area where the required project was to have been implemented, in both the short and long term.
2. Within 60 days of receipt of a complete petition and demonstration for project substitution, the Department shall review the proposed substitution and shall take action either approving or denying the proposed substitution in writing.
3. Within 90 days of receipt of a complete petition and demonstration for project substitution, the Department shall file a copy of the petition, supporting documentation and Department action with U.S. EPA, Region I.

(5) Project Review and Consultation. Beginning January 1, 1992, EOTC shall consult on a quarterly basis with the Massachusetts Department of Public Works, the Massachusetts Bay Transit Authority, the Metropolitan Area Planning Commission, the U.S. Environmental Protection Agency and the Department on the process of planning, directing, constructing or making transit system improvements required by 310 CMR 7.36.

(6) Transit System Improvement Studies.

(a) Before December 31, 1991, EOTC shall draft and issue for public comment an initial study of transit improvement strategies which are in addition to those specified by this regulation, with the intent of incorporating the findings of said study in the Program for Mass Transportation.

(b) Development of the Program for Mass Transportation shall, in addition to the requirements of 310 CMR 7.36(6)(a), include for each strategy identified in 310 CMR 7.36(6)(a), an analysis of the following:

1. An analysis of funding implications and a comprehensive funding plan for transit projects and programs.
2. Estimates of transit project impacts on cities and towns.
3. Discussion of public education efforts that will be undertaken in implementing transit projects.

(c) Before December 31, 1991, EOTC shall draft and issue for public comment, studies of other transportation system improvements including but not limited to:

1. A study of the feasibility of using toll pricing to regulate single occupant vehicle trips to Logan Airport.
2. A study of the feasibility of relocating some of the existing Summer Tunnel Toll booth to Route 1A.
3. A study of the feasibility of providing water shuttle service between Boston and communities on the North shore.
4. A study of transit system improvements which could be made in addition to those improvements listed in 310 CMR 7.36(2).
5. A study on the feasibility of constructing a rail connection between South Station and Logan Airport.
6. Expanding the size and number of suburban locations of Logan airport express service parking and transit facilities.
7. Expanding the high occupancy vehicle lanes and services within the boundaries of Logan Airport.

(d) Before December 31, 1994, EOTC shall draft and issue for public comment a study of transit system improvements including but not limited to:

1. Connecting circumferential transit facilities and radial transit services.

2. Improving travel time and upgrading rail service to New York City, NY; Worcester, MA; Springfield, MA; Hartford, CT and Portland, ME.

3. Indexing transit fares so as to encourage maximum use of transit facilities.

(e) The studies identified in 310 CMR 7.36(6)(a) through (e) shall contain an analysis of the technical feasibility of each measure, an estimate of the time and cost involved in implementing the measure and an estimate of the potential air quality impacts of the measure. After providing an opportunity for final comment and consultation with other members of the Metropolitan Planning Organization and the Department, the studies shall be released as final reports and submitted to the Department by no later than March 30 of the year following the deadline of the draft study. The final reports shall contain a recommendation and schedule for further action to be taken in regard to the measures contained in the studies.

(7) Record Keeping and Reporting. Before March 1 of each year, beginning in 1992, EOTC shall submit a status report to the Department detailing ETOC's progress toward compliance with each provision of this regulation. In addition, the report shall contain an estimate of the changes in transit system ridership in eastern Massachusetts in the context of each of the transit system improvements implemented. Copies of said report shall be submitted to the members of the Metropolitan Planning Organization and any interested persons.